

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5790 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos.1 to 5 No

VADILAL DAIRY FROZEN FOOD INDUSTRIES.

Versus

SHIVSHANKER A THAKOR

Appearance:

MR.K.D.GANDHI FOR NANAVATI ASSOCIATES for Petitioner
MR GIRISH PATEL for Respondent.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 21/07/97

ORAL JUDGEMENT

The matter was finally heard on 11.7.1997 and it was posted for dictation of the order on 14.7.1997. Mr.Gandhi has today submitted that the petitioner has now agreed to settle the whole dues upto date with the relief of reinstatement and Rs.50,000/- against the entire dues upto date including backwages. The award granting relief of reinstatement with backwages was passed on 13.3.1996

and the award was stayed by this Court on 1.10.1996 on the condition that the petitioner shall deposit an amount of Rs.50,000/- in the Court. Thus, the award has remained stayed under the orders of this Court. A sum of Rs.50,000/- has already been deposited by the petitioner in this Court and on 17.3.1997 it was ordered that the FDR of the said amount may be renewed for a further period of three months. The offer made by Mr.Gandhi that the whole controversy may be settled with the relief of reinstatement and Rs.50,000/- against the entire dues upto date is acceptable to Mr.Girish Patel under the instructions from his client Mr.Shivsahanker Ajmersinh Thakor who is present in the Court. Therefore the impugned award is modified accordingly so as to give relief of reinstatement to the concerned workman and the whole controversy till the date of reinstatement shall also stand satisfied with the payment of Rs.50,000/- to the concerned workman. It is agreed by both the sides that the reinstatement will be with continuity of service. Accordingly, the petitioner shall issue orders reinstating the respondent workman immediately but in no case later than 31.7.1997. The concerned workman shall report on duty on 1.8.1997. In view of the settlement of the whole controversy with reinstatement and the payment of Rs.50,000/-, the petitioner shall be paid his wages now from 1.8.1997 and such wages shall be computed at the rate at which he would have drawn his salary had he not been terminated and the workman also gives up his claim for the wages from the date of the award upto 31.7.1997. The respondent workman may also withdraw the amount of Rs.50,000/- deposited by the petitioner in this Court. The interest which has been earned on the sum of Rs.50,000/- till date the deposit is encashed shall also be payable to the respondent workman.

This Special Civil Application is partly allowed on the basis of the agreed and consented terms as above and the impugned award also stands modified accordingly. These terms shall also be enforceable as if it is an order of the Court. Rule made absolute in the terms as aforesaid. No order as to costs.

m.m.bhatt.